

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION

OPIATE LITIGATION

This document relates to:

Track One Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**STIPULATION AND [PROPOSED] ORDER SEVERING DEFENDANTS
PURDUE PHARMA L.P., PURDUE PHARMA INC., AND
THE PURDUE FREDERICK COMPANY INC.**

WHEREAS, pursuant to the Court's request that "in order to hold a manageable trial, the number of claims and Defendants must be substantially reduced before the beginning of trial," ECF No. 1598 at 1-2, on July 31, 2019, Plaintiffs filed a Motion to Sever Defendants and to Extend the Deadline to Respond to Noramco, Inc.'s Motion for Judgment on the Pleadings Or, in the Alternative, Summary Judgment, ECF No. 2099.

WHEREAS, through that motion, Plaintiffs sought to sever Defendants Anda, Inc.; Discount Drug Mart, Inc.; HBC Service Company; H.D. Smith, LLC; Noramco, Inc.; Prescription Supply, Inc.; Rite Aid Corporation; and Walmart Inc. fka Wal-Mart Stores, Inc. from the pending trial of the Track One Defendants.

WHEREAS, on August 15, 2019, the Court granted Plaintiffs' motion. *See* Opinion & Order, ECF No. 2399.

WHEREAS, since that time, Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. (the “Purdue Defendants”) have entered into settlement negotiations with Plaintiffs and have indicated an intent to file a petition for bankruptcy.

WHEREAS, under 11 U.S.C. § 362(a)(1), when a party files a petition for bankruptcy, “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title 11 U.S.C. judicial proceedings are automatically stayed.”

WHEREAS, Plaintiffs and the Purdue Defendants have conferred regarding severing the Purdue Defendants from the Track One trial.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by counsel for the parties listed below, that:

Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. are hereby severed from the Track One trial scheduled for October 21, 2019 in the above-captioned action.

Dated: September 16, 2019

Respectfully submitted,

s/Paul J. Hanly, Jr.
Paul J. Hanly, Jr.
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
phanly@simmonsfirm.com

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
GREENE KETCHUM, LLP
419 Eleventh Street
Huntington, WV 25701
(304) 525-9115
(800) 479-0053
(304) 529-3284 (Fax)
paul@greeneketchum.com

Plaintiffs' Co-Lead Counsel

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

Hunter J. Shkolnik
NAPOLI SHKOLNIK
360 Lexington Ave., 11th Floor
New York, NY 10017
(212) 397-1000
(646) 843-7603 (Fax)
hunter@napolilaw.com

Counsel for Plaintiff Cuyahoga County, Ohio

Linda Singer
MOTLEY RICE LLC
401 9th St. NW, Suite 1001
Washington, DC 20004
(202) 386-9626 x5626
(202) 386-9622 (Fax)
lsinger@motleyrice.com

Counsel for Plaintiff Summit County, Ohio

s/ Mark S. Cheffo

Mark S. Cheffo
Sheila L. Birnbaum
Hayden A. Coleman
DECHERT LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Tel: (212) 698-3500
Mark.Cheffo@dechert.com
Sheila.Birnbaum@dechert.com
Hayden.Coleman@dechert.com

*Attorneys for Purdue Pharma L.P.,
Purdue Pharma Inc., and The Purdue Frederick
Company*

SO ORDERED this ____ day of _____, 2019.

Honorable Dan Aaron Polster

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 16, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. The Court's electronic filing system will send notice of this filing to all parties. Parties may access this filing through the CM/ECF System.

s/Peter H. Weinberger

Peter H. Weinberger

Plaintiffs' Liaison Counsel